

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75634 of 2023

Arising Out of PS. Case No.-448 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Raja Babu Son Of Lal Babu Sahani
 2. Dilip Sahani Son Of Lal Babu Sahani
Both Resident Of Village - Rulhi Malahi Tola, P.S. - Muffasil, District - East
Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-11-2023 Heard Mr.Abhishek Kumar, learned counsel for the

petitioners and Mr.Mohammed Arif, learned Additional Public

Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Motihari Muffasil P.S.Case No.448 of 2023,FIR
dated 23.06.2023 registered for the offences punishable under
Sections 341,323,307,379,34 of IPC.

3. Allegation against the petitioners is that they
assaulted to the informant indiscriminately with lathi, causing
injury.

4. Learned counsel for the petitioners submits that
petitioners have clean antecedent and they have falsely been



implicated in the present case. Further submits that as per allegation in the FIR that the petitioners have assaulted to the informant by means of Lathi but the injury report of the informant suggests that although he has received injury but the injury is simple in nature caused by hard and blunt substance.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Motihari Muffasil P.S. Case No.448 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient



reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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